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AMEMBASSY JIDDA IMMEDIATE

AMEMBASSY KUWAIT IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY TEHRAN IMMEDIATE

AMEMBASSY TEL AVIV IMMEDIATE

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C O N F I D E N T I A L BEIRUT 2292

E.O. 11652: GDS

TAGS: PINS, PINT, MILI, LE

SUBJ: LEGAL AND POLITICAL ASPECTS OF FRANGIE-RESIGNATION CRISIS

SUMMARY: UNTIL FRANGIE'S REJECTION MAR 13 OF PARLIAMENT'S
APPEAL FOR HIS RESIGNATION, ALL PARTIES SEEMED USE TERM
"LEGALITY" IN BROADEST SENSE OF ORDERLY PROCESS PRESERVING
DIGNITY OF HIS DEPARTURE. THERE WAS NO MAGIC IN TWO-THIRDS
MAJORITY, THIS MERLY BEING CONSIDERED MOST APPROPRIATE
MAJORITY IN UNPRECEDENTED CASE. FRANGIE RESIGNATION WAS
TO BE VIEWED AS VOLUNTARY, PRESIDENT HAS THROWN MONKEY
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WRENCH IN THIS PLAN BY SIMPLY REFUSING TO RESIGN. OPTIONS

OF AL-AHDAB APPEAR REDUCED TO THREE, ALL OF THEM CHANCY:

(A) CONTINUE POLITICAL PRESSURE ON FRANGIE, WHICH STILL UNDERWAY MAR 14 ALTHOUGH TIME FOR IT RUNNING OUT; (B) MILITARY ATTACKS ON FRANGIE, WHICH RISK FULL-BLOWN EMERGENCE OF CHRISTIAN SENTIMENT FOR PRESIDENCY; (C) IGNORE THE PRESIDENT AND CONSIDER HIM AS "HAVING RESIGNED," WHICH LEGALLY AND POLITICALLY UNDERTAIN AT BEST. THERE IS ALSO LIKELIHOOD OF RECOURSE AGAIN TO SYRIAN MEDIATION. NO EASY ANSWER TO RESIGNATION CRISIS EXISTS, AND POSSIBILITY OF RAPID DETERIORATION IN SITUATION IS REAL. END SUMMARY.

1. SINCE CONCEPT OF "LEGALITY" HAS FIURED PROMINENTLY IN LEBANESE CRISIS IN RECENT DAYS, IT IS IMPORTANT SORT OUT WHAT PARTIES MEAN BY THIS TERM. DIFFERENT UNDERSTANDINGS OF IT BY GROUPS INVOLVED ARE A KEY TO PRESENT IMPASSED. OUR ANALYSIS FOLLOWS BELOW.

I. "LEGALITY" VS. "DIGNITY"

2. UNTIL FRANGIE'S FLAT REJECTION NIGHT MARCH 13 OF PARLIAMENT'S APPEAL FOR HIS RESIGNATION, ALL PARTIES INCLUDING THE PRESIDENT SEEM TO HAVE USED TERM "LEGALITY" IN BROADEST SENSE, I.E., ANY ORDERLY PROCESS THAT BRINGS ESTABLISHED INSTITUTIONS INTO PICTURE AND REMOVES STARK FORCE INHERENT IN COUP D'ETAT. WHAT BROUGHT MANY CHRISTIANS ON BOARD PARLIAMENT'S APPEAL WAS IDEA THAT SUCH PROCESS WOULD BE USED. FRANGIE HIMSELF LED MANY DEPUTIES TO BELIEVE HE WOULD YIELD TO SUCH FORMULA. KEY WAS "DIGNITY" IN RESIGNATION, NOT "LEGALITY" PER SE.

3. THERE WAS NO MAGIC IN THE TWO-THIRDS MAJORITY. NOTHING IN CONSTITUTION PERMITS PARLIAMENT TO REMOVE PRESIDENT SIMPLY BY TWO-THIRDS VOTE, OR BY ANY OTHER PROPORTION. CLOSEST IS CUMBERSOME IMPEACHMENT PROCESS OF ARTICLE 60, IN WHICH PARLIAMENT BRINGS INDICTMENT BY TWO-THIRDS VOTE AND A SUPREME COUNCIL CONDUCTS TRIAL. SINCE SUPREME COUNCIL HAS NEVER BEEN FORMED, AND CANNOT BE EXCEPT BY LAW SIGNED BY PRESIDENT, THERE IS NO REALISTIC PROSPECT OF IMPEACHMENT. TWO-THIRDS VOTE ALSO FIGURES

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IN CONSTITUTIONAL AMENDMENT. TOGETHER WITH FACT THAT ONE OF FRANGIE'S 17 POINTS OF FEB 14 SUGGESTED TWO-THIRDS VOTE FOR ALL "IMPORTANT QUESTIONS" IN PARLIAMENT THESE CONSTITUTIONAL REFERENCES SEEMED TO INDICATE THAT THIS WAS PROPER, I.E., "LEGAL", MAJORITY FOR EXPRESSION OF POPULAR WILL IN THIS UNPRECEDENTED CASE.

4. IT IMPORTANT TO NOTE THAT RESULTING FRANGIE RESIGNATION

WOULD HAVE BEEN CONSIDERED VOLUNTARY RPT VOLUNTARY. THIS IS ONLY WAY BESIDES DEATH THAT CONSITUTION EXPLICITLY PROVIDES FOR VACANCY. (SEE ARTICLE 74, WHICH HOWEVER ALSO SPEAKS VAGUELY OF VACANCY THROUGH "ANY OTHER CAUSE"). IT DOUBTFUL MARONITE LEADERSHIP WOULD HAVE GONE ALONG WITH APPEAL TO RESIGN TO EXTENT IT DID UNDER ANOTHER THEORY.

5. KNOWING THIS, FRANGIE SAW HIS CHANCE. ALL HE HAD TO DO, HE MAY HAVE FIGURED, IS SIMPLY REFUSE TO RESIGN VOLUNTARILY, COME WHAT MAY. HIS STUBBORNNESS IS LEGENDARY AND BECOMES A KEY ASSET FROM HIS POINT OF VIEW. HIS OP-
PONENTS, ALTHOUGH HOLDING MORE PHYSICAL POWER, ARE PUT IN SOME DISARRY. PROSPECT NOW IS THAT CHRISTIAN SUPPORT FOR RESIGNATION APPEAL MIGHT SPLIT, AS MARONITES ESPECIALLY RALLY INSTICTIVELY TO INSTITUTION OF PRESIDENCY. FRANGIE, IN EFFECT, HAS FORCED PARLIA-
MENT TO GO IMPOSSIBLE ROUTE OF IMPEACHMENT BY SAY-
ING HE MUST BE CHARGED WITH TREASON. THIS IS FIRST TIME IMPEACHMENT PROCESS AS SUCH HAS ENTERED PICTURE. WE CONSIDER IT HIGHLY UNLIKELY THAT IMPEACHMENT WOULD GARNER SUFFICIENT SUPPORT, EVEN IF IT WERE LEGALLY POSSIBLE.

II. CHOICES FACING COUP LEADERSHIP

6. OPTIONS OF AL-AHDAB AND COMPANY THUS SEEM REDUCED TO FOLLOWING THREE:

(A) CONTINUE POLITICAL PRESSURE ON FRANGIE, IN HOPE HE WILL YIELD. THIS IS STILL BY NO MEANS IMPOSSIBLE, DUEPUTIES ARE CURRENTLY ENGAGED IN LAST-DITCH EFFORT ALONG THESE LINES. THEY PLAN TO GATHER MORE SIGNATURES ON PETITION AND PRESENT IT AGAIN TO PRESIDENT. VERY LITTLE
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TIME IS LEFT, HOWEVER, BEFORE MOMENTUM OF COUP AND BLOODLESS "SHOCK TREATMENT" IT STANDS FOR ARE LOST.

(B) MILITARY ATTACKS ON FRANGIE. APART FROM PHYSICAL PROBLEM OF STORMING FRANGIE'S WELL-DEFENDED PALACE, THERE ARE ENORMOUS POLITICAL RESTRAINTS AGAINST THIS MOVE. LATENT CHRISTIAN SENTIMENT FOR PRESIDENCY WOULD PROBABLY EMERGE FULL-BLOWN AND CAUSE SERIOUS DIFFI-
CULTIES FOR COUP LEADERS. AIR STRIKE AGAINST PRO-FRANGIE RADIO AND TV TRANSMITTERS IS MORE CREDIBLE, BUT ALSO POLITICALLY RISKY.

(C) IGNORE THE PRESIDENT. PARTICULARLY IF FRANGIE'S RADIO AND TV BRADCASTS ARE SILENCED, IT IS POSSIBLE FOR AL-AHDAB TO LET PRESIENT SIT IN PALACE WHILE ELECTION FOR NEW PRESIENT IS CONDUCTED. AL-AHDAB WOULD

"CONSIDER THE PRESIDENT AS HAVING RESIGNED" AS SEVERAL OF HIS EARLY COMMUNIQUE STATED. BUT THIS OPTION TOO RUNS UP AGAINST CONCEPT OF "LEGALITY" SO STRONGLY ADHERED TO BY MANY CHRISTIAN POLITICIANS, AND BY SOME OTHERS AS WELL. HOW "LEGAL" WOULD NEW PRESIDENT'S MANDATE BE? THIS IS NOT JUST ABSTRACT QUESTIONS, FOR BEHIND NEW PRESIDENT'S "LEGALITY" IS ENTIRE QUESTION OF HIS POLITICAL STRENGTH AT TIME WHEN STORNG LEADERSHIP IS NEEDED TO PULL COUNTRY OUT OF CRISIS. IT IS EVEN POSSIBLE THAT SOME DEPUTIES WOULD BOYCOTT ELECTION OF NEW PRESIDENT. WE ARE TOLD THAT KATAEB PARTY AND NATIONAL LIBERAL PARTY PLAN TO RECONSIDER THEIR BASIC POSITIONS MARCH 14. ALTHOUGH A NATIONAL LIBERAL LEADER HAS TOLD EMBOFF THAT BOTH PARTIES MAY STICK WITH ANTI-FRANGIE POSITION TO WHICH THEY HAVE LOOSELY ADHERED, THIS IS BY NO MEANS CERTAIN.

7. APART FROM THESE OPTIONS THERE IS ALWAYS RECOURSE ONCE AGAIN TO SYRIAN MEDIATION. THERE ARE RUMORS THAT KHADDAM WILL COME TO BEIRUT SOON. POSTPONEMENT OF SYRIAN PRES ASAD'S TRIP TO FRANCE SUGGESTS HE EXPECTS BE INVOLVED IN COMING STAGE. INDEED, WE JUDGE THAT AL-AHDAB'S CHOICE OF ABOVE OPTIONS, OR MIX OF THEM, WOULD BE CLOSELY SCRUTINIZED BY DAMASCUS.

III. COMMENTS:

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8. FRANGIE HAS ACTED WITH ALL THE CUNING OF CORNERED FOX. UNLESS PARLIAMENTARY PRESSURE ON HIM FORCES HIM AT LAST TO YIELD, HE MAY HAVE SUCCEEDED IN SPIKING AL-AHDAB'S EFFORTS. IN SO, HOWEVER, THIS HARDLY MEANS THAT HE HAS THEREBY SAVED HIMSELF. IT SEEMS NO LONGER CONCEIVABLE FOR HIM TO GOVERN THE COUNTRY. HE WOULD SIMPLY BE THE INSTRUMENT OF FURTHER CHAOS, UNLESS SYRIANS COULD PULL RABBIT OUT OF HAT AT LAST MOMENT. THE IMPLICATIONS OF LOOMING DOWNWARD SLOPE ARE OF COURSE AWFUL TO CONTEMPLATE, NOT ONLY REGARDING LEBANON ITSELF BUT ALSO IN TERMS OF ULTIMATE SYRIAN AND ISRAELI REACTIONS.

9. MUCH DEPENDS ON ACTIVITY NEXT DAY OR SO, ESPECIALLY WITH RESPECT KATAEB AND NATIONAL LIBERAL DECISIONS. ONE RAY OF HOPE IS THAT THESE PARTIES MAY SEE CHAOS THAT BECKONS IF THEY RALLY TO DISCREDITED PRESIDENT. THEY MAY YET SEEK WAY OUT WITH AL-AHDAB DESPITE THEIR INSTINCTS. WE HOPE SO, BUT AT PRESENT HAVE NO FIRM BASIS SUPPORT THIS HOPE.
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